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[NAMES & ADDRESSES OF COUNSEL  
APPEAR ON LAST PAGE]

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CALIFORNIA SIDE BY SIDE SOCIETY,  
CALIFORNIA ASSOCIATION OF  
FIREARMS RETAILERS, FIFTY  
CALIBER SHOOTERS ASSOCIATION,  
DOUBLE GUN JOURNAL, SPORTS  
AFIELD, BARRETT FIREARMS  
MANUFACTURING, INC., CALIFORNIA  
RIFLE AND PISTOL ASSOCIATION, and  
ERIC WILLIAMS,

Plaintiffs,

v.

CONTRA COSTA COUNTY, a  
municipality; CONTRA COSTA COUNTY  
BOARD SUPERVISOR JOHN M. GIOIA in  
his official capacity; CONTRA COSTA  
COUNTY BOARD SUPERVISOR GAYLE  
B. ULLKEMA in her official capacity;  
CONTRA COSTA COUNTY BOARD  
SUPERVISOR MARK DESAULNIER in  
his official capacity; CONTRA COSTA  
COUNTY BOARD SUPERVISOR  
FEDERAL GLOVER in his official  
capacity; CONTRA COSTA COUNTY  
CLERK OF THE BOARD JANE  
PENNINGTON in her official capacity;  
CONTRA COSTA COUNTY SHERIFF  
WARREN E. RUPF in his official capacity,

Defendants.

CASE NO. 3:04-cv-02198-VRW

**STIPULATED DISMISSAL AND ORDER**  
**[PROPOSED]**



1 WHEREAS:

2 1. Defendants Contra Costa County ("the County") adopted Ordinance No. 2004-10 ("the  
3 Ordinance"), entitled "Large Caliber Firearms - Conveyance Prohibited," on March 23, 2004.

4 2. Plaintiffs filed a suit against Defendants on June 3, 2004 to invalidate the Ordinance.

5 3. California Governor Arnold Schwarzeneger signed into law AB50 (Koretz), entitled  
6 ".50 Caliber BMG Rifles," on September 13, 2004.

7 4. The County has repealed the specific ordinance (see attached Exhibit A) that is  
8 challenged by this suit. That repeal becomes effective on January 6, 2005.

9 5. In light of the County's repeal of the ordinance, the parties have reached a settlement of  
10 the above-entitled matter.

11 NOW THEREFORE, IT IS HEREBY STIPULATED by and between the parties to this  
12 action, Plaintiffs, CALIFORNIA SIDE BY SIDE SOCIETY, et al., and Defendants, CONTRA  
13 COSTA COUNTY, et al., through their designated counsel, as follows:

14 That this entire action be dismissed with prejudice pursuant to Federal Rules of Civil  
15 Procedure 41(a)(1).

16 That each party shall bear its own costs and fees.

17 IT IS SO STIPULATED.

18 Dated: December 15, 2004

TRUTANICH • MICHEL, LLP:

19  
20 C. D. Michel

C. D. Michel - S.B.N. 144258

Glenn S. McRoberts - S.B.N. 144852

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Attorneys for Plaintiffs

CALIFORNIA SIDE BY SIDE SOCIETY, et al.

1 Dated: December 15, 2004

MORRISON & FOERSTER, LLP:

2  
3 /S/ Authorized Via Email

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COUNTY OF CONTRA COSTA

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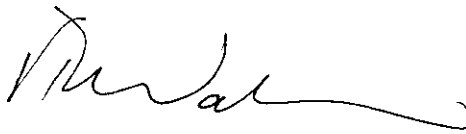
Facsimile: (925) 335-1076

Attorney for Defendants

CONTRA COSTA COUNTY, et al.

15 IT IS SO ORDERED.

16 Dated: - 15 - 2004

17  
18   
19 U.S. District Court Judge

**EXHIBIT A**

DEC. 1. 2004 2:06PM

C. C. County Counsel

NO. 582

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## ORDINANCE NO. 2004-43

## LARGE CALIBER FIREARMS - CONVEYANCE

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

**SECTION I.** Chapter 54-22 of the County Ordinance Code is rescinded in its entirety.

**SECTION II. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on Dec. 7 2004, by the following vote:

AYES: Supervisors Miron, Wilhama, Greenberg, Desautels and Horne

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: JOHN SWEETEN,  
Clerk of the Board of Supervisors  
and County Administrator

[Signature]  
Board Chair

By: [Signature]

Deputy

[SEAL]

TLG:

H:\2004\Board of Supervisors\50 cal\50 cal rescind ord.wpd

ORDINANCE NO. 2004-43

**PROOF OF SERVICE**

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I, Claudia Ayala, declare: That I am employed in the City of San Pedro, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 407 North Harbor Boulevard, San Pedro, California 90731.

On December 15, 2004, I filed and served the foregoing document(s) described as **STIPULATED DISMISSAL AND ORDER [PROPOSED]** on the interested parties in this action in compliance with General Order 45, Section IX, as follows:

Alison Margaret Tucher  
Morrison & Foerster, LLP  
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Richard S. Hung  
Morrison & Foerster, LLP  
425 Market St.  
San Francisco, CA 94105  
Email: [rhung@mofo.com](mailto:rhung@mofo.com)

I declare under penalty that the foregoing is true and correct. Executed this 15<sup>th</sup> day of December, 2004 at San Pedro, California.

*Claudia Ayala*  
CLAUDIA AYALA